IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4660 OF 2005

Vilas Nana Salunkhe .. Petitioners

Vs.

Pramila A.Salunkhe & Ors. ..Respondents

Mr.R.V.More for the petitioners

Mr.S.A.Bhagwat for respondent no.1 and 3

CORAM : S.U.KAMDAR, J
DATED : 9TH DECEMBER, 2005

P.C.:

1. Rule. Returnable forthwith.

2. Heard parties. In so far as respondent no.2 and 4 are concerned they have been served. Packet has come back saying that they are not in town. Affidavit of service to that effect have been filed. Respondent no.1 and 3 have been heard.

3. In my opinion, impugned order passed by the Trial Court dt.18.1.99 does not require any interference save and accept the clarification that

the trial court should proceed with the execution of decree without insisting on compliance with clause 3 of the consent order dt.12.3.87 in view of the fact that the said condition has been dispensed with by order dt.30.11.95. Petitioner states that all the requirements will be complied with and thereafter they will put the said decree in execution. With the aforesaid clarification, petition disposed of accordingly. No order as to costs.